

Justification for an Exception to Fair Opportunity

"Source Selection Information – see FAR 2.101 and 3.104"

CISCO SmartNet Maintenance

1. Identification of the agency and contracting activity.

a. Federal Agency and contracting activity

Department of Health and Human Services (HHS) National Institutes of Health (NIH)

b. Sponsoring organization.

National Institutes of Health
Center for Information Technology (CIT)
Network Services

c. Contracting Officer's Representative (COR) Information.

Billi Woodard
Center for Information Technology
6555 Rock Spring Drive, Bethesda, Maryland
20817 301-435-1535
billi.woodard@nih.gov

d. Contracting Activity

Karen D. Miller, Contracting Officer
Office of Acquisitions
National Library of Medicine
Two Democracy, Room 105
6707 Democracy Blvd., MSC 5488
Bethesda, MD 20892-5488
301-827-6403
millerkar@mail.nih.gov

2. Nature and/or description of the action being approved.

a. Acquisition purpose and objectives.

The purpose of this modification is to extend services currently being provided by FORCE 3 under task order number HHSN2639999004301/HHSN27600035. The task order was competitively awarded to FORCE 3 on December 30, 2013 for one (1) base year and two (2) 12-month option periods under the NITAAC Government-Wide Agency Contract (GWAC) contract vehicle. An additional \$1,752,623.13 was added on December 28, 2016 via Modification No. 6 to cover the period January 1, 2017 – June 30, 2017, and to add an option for an additional six months through December 31, 2017 in the amount of \$1,844,866.45.

NIH/CIT requires continued support for mission essential severable SMARTnet/Sku-NOS Maintenance Contract with Cisco Systems services to provide maintenance of specified Cisco hardware and software products currently deployed on the customer network for NIH

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Institutes/Centers (ICs) and other designated customers within the Department of Health and Human Services (HHS). A break in service would cause NIH to lose support for the daily operation of NIH's network to include the CRC Hospital and email. If the Hospital access is interrupted, it could lead to a potential loss of life or limb, as the Hospital security access to surgical rooms are controlled by the Network Access. Additional support would also be lost for NIH's core research missions, potentially causing damage and loss of years' worth of research conducted across the CIT managed NIH network.

This task order will be replaced by a new competitive task order award in FY2018. Due to the prolonged development and evaluation of the requirements of the re-compete effort, the performance under the new task order was not ready to transition on January 1, 2017. Additionally, the new vendor would need adequate time to prepare for contract start.

b. Project background.

Network Services (NS), a Service Area within the Center for Information Technology (CIT), manages and operates state-of-the art network and telecommunications infrastructures twenty-four hours per day seven days a week for the NIH community. NS provides high-speed network access (NIH), network security, telecommunications, wireless, and cabling in a cost-efficient and effective manner for NIH's scientific and administrative communities. NS supports a variety of customers including the NIH Office of the Director, 27 Institutes and Centers (ICs), the Department of Health and Human Services (DHHS) Operating Divisions (OPDIVs) and other external customers.

The NIH Network (NIH) consists of the NIH backbone network, providing a high-speed, highly- available network infrastructure for NIH, other Government Agencies, and a growing number of local area networks supporting the NIH's Office of the Director and 27 ICs. NIH acts as the network operator for Department of Health and Human Services Operating Divisions (OpDivs), and other government agencies. NIH interconnects the NIH with the commodity Internet, the Internet2 research network. NIH supports local area networks collocated on the NIH campus (9000 Rockville Pike, Bethesda, Maryland), numerous off-campus sites located in or close to the National Capital Region, field offices across the U.S., and disaster recovery centers. The data and information carried by NIH varies widely and includes biomedical, clinical, financial, and administrative data.

The current task order was awarded under full and open competition to Force 3 on December 30, 2013 at a total base year cost of \$2,143,397.26. The period of performance was awarded for a base period of January 1, 2014 through December 31, 2014, with two successive 12-month Option Periods. The total dollar amount obligated for the initial three (3) year period of performance is \$11,237,978.75. An additional \$1,752,623.13 was added on December 28, 2016 via Modification No. 6 to cover the period January 1, 2017 – June 30, 2017, and add an option for an additional six months through December 31, 2017 in the amount of \$1,844,866.45. The anticipated award date for the new task order is January 1, 2018.

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3. Description of the supplies or services required to meet the agency's needs (including the estimated value).

a. Project title

CISCO SmartNet Maintenance

b. Project description.

The purpose of this Modification No. 6, dated December 28, 2016, is to extend services currently being provided under task order No. HHSN2639999004301/ HHSN27600035 for the period January 1, 2017 through June 30, 2017 and to add an option for an additional six months through December 31, 2017. Independently and not as an agent of the Government, the Contractor shall furnish all the necessary services, qualified personnel, material, equipment, and facilities, not otherwise provided by the Government, for continued support for mission essential severable SMARTnet/Sku-NOS Maintenance Contract with Cisco Systems services to provide maintenance of specified Cisco hardware and software products currently deployed on the customer network for NIH Institutes/Centers (ICs) and other designated customers within the Department of Health and Human Services (HHS).

c. Provide the following information:

i. Requirement type:

- ☒ Support services (non-research & development)
- ☐ Supplies/equipment
- ☒ Information technology (IT) or Electronic and Information Technology
- ☐ Construction
- ☐ Architect-engineer (A-E) Services
- ☐ Design-Build
- ☐ Research & Development (R&D)
- ☐ R&D Support Services
- ☐ Other (specify):

ii. Type of action:

- ☐ New requirement
- ☐ Follow-on -
- ☒ Other (specify): Extension to current task order

iii. Proposed contract/order type

- ☒ Firm-Fixed-Price (FFP)
- ☐ Other Firm-Fixed-Price (Specify, e.g., fixed-price award-fee, fixed-price incentive-fee):
- ☐ Cost-plus-fixed-fee
- ☐ Other cost reimbursement (Specify, e.g., cost-plus-award-fee, cost-plus-incentive-fee)
- ☐ Time and Materials (T&M)
- ☐ Labor Hours (LH)
- ☐ Indefinite Delivery (Specify whether indefinite quantity, definite quantity, or requirements)

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iv. Acquisition identification number

NITAAC Contract No. HHSN263999900430I
Task Order No. HHSN27600035 Modification No. 006

d. Total estimated dollar value

\$1,752,623.13	January 1, 2017 – June 30, 2017
<u>\$1,844,866.45</u>	July 1, 2017 – December 31, 2017
<u>\$3,597,489.58</u>	

e. Performance/delivery period

The extension period is January 1, 2017 through June 30, 2017 with a six month option period of July 1, 2017 through December 31, 2017.

- 4. Identification of the exception to fair opportunity (see 16.505(b)(2)(i)(A)), the agency need for the supplies or services is so urgent that providing a fair opportunity would result in unacceptable delays. The supporting rationale, including a demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the exception cited.**

a. Acquisition authority.

☒ (A) The agency need for the supplies or services is so urgent that providing a fair opportunity would result in unacceptable delays.

☐ (B) Only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized.

☐ (C) The order must be issued on a sole-source basis in the interest of economy and efficiency because it is a logical follow-on to an order already issued under the contract, provided that all awardees were given a fair opportunity to be considered for the original order.

☐ (D) It is necessary to place an order to satisfy a minimum guarantee.

☐ (E) For orders exceeding the simplified acquisition threshold, a statute expressly authorizes or requires that the purchase be made from a specified source.

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b. Demonstration of the proposed contractor(s) unique qualifications to provide the required supply or service.

i. Name of the proposed contractor(s).

FORCE 3 INTERNATIONAL INC
2151 PRIEST BRIDE DRIVE
CROFTON MD 21114

ii. Nature of the acquisition and proposed contractor(s) unique qualifications.

Force 3 is the only known source capable of satisfying NIH's short-term requirement for continued SMARTnet/Sku-NOS Maintenance while competition for the recompet effort is being conducted.

An extension was necessary to avoid a break in service. Force 3 is the only responsible source capable of providing continued services without significant ramp-up time and a break in service is unacceptable to the Government.

Force 3 possesses significant skills and experience that are crucial to meet the Government's requirements during the extension period. The Network Service Support requirement is complex and technical in nature. Utilizing another vendor for this short period would take an inordinate amount of time and expense to understand and fulfill the Government's requirements since another vendor would have to familiarize itself with the existing requirement and ongoing work. A break in service would cause NIH to lose support for the daily operation of NIH's network to include the CRC Hospital and email. Additional support would also be lost for NIH's core research missions which are conducted across the CIT managed NIH network. Disruption of services could have a negative impact on patient safety with a wide range of effects running from the minor to adverse events (including death and loss of long term research).

5. Determination by the ordering activity Contracting Officer that the anticipated cost to be fair and reasonable.

Since (a) NITACC has already determined the prices of the supplies and services, including rates for services offered at fixed hourly rates, to be fair and reasonable; and (b) by placing an order against a schedule contract using the procedures in FAR Part 16, the ordering activity Contracting Officer has concluded that the order represents the best value (see FAR 2.101) and results in the lowest overall cost alternative, the determination shall cite:

- Whether any additional discounts will be sought before placing an order;
- The type of pricing information, if any, that will be obtained from the schedule contractor(s) in relation to seeking additional discounts; and
- The extent of the price evaluation anticipated in order to determine that the total

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price is reasonable.

6. Market Research

The CIT completed market research for CISCO SMARTNet NIHNet maintenance through a review of multiple websites of NITAAC CIO-CS vendors. Although, CIT has found multiple NITAAC vendors that are capable of providing similar types of services, Force 3 is the only contractor with both the inherent knowledge and unique qualifications required to meet the specific operational and programmatic requirements for services until the recompet task order is awarded. Any downtime in services would be unacceptable to the business customers since CISCO SMARTNet NIHNet is a critical need for the NIH community and would prohibit the NIH's ability to fulfill its mission to acquire new knowledge to help prevent, detect, diagnose, and treat disease and disability.

Market research was conducted that identified the vendors below for the recompet effort. An extension was required for the current task order, as a break in service would be catastrophic. A break in service would cause NIH to lose support for the daily operation of NIH's network to include the CRC Hospital and email. If the Hospital access is interrupted, it could lead to a potential loss of life or limb, as the Hospital security access to surgical rooms are controlled by the Network Access. Additional support would also be lost for NIH's core research missions, potentially causing damage and loss of years' worth of research conducted across the CIT managed NIH network.

The current task order was competed on NITAAC CIO-CS.

VENDOR	SOCIO-ECONOMIC	SUMMARY OF FINDING
FORCE 3, INC	OTHER THAN SMALL	CISCO GOLD CERTIFIED HHSN316201500014\N
STRATEGIC COMMUNICATIONS, LLC	SMALL BUSINESS WOMEN-OWNED SMALL BUSINESS	CISCO PREMIER CERTIFIED HHSN316201500048\N
ANACAPA MICRO PRODUCT, INC	SMALL BUSINESS HUBZONE	CISCO SELECT CERTIFIED HHSN316201500025\N
FEDSTORE CORPORATION	SMALL BUSINESS SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS	CISCO PREMIER CERTIFIED HHSN316201500033\N

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Force 3 is the only responsible source capable of providing continued services without significant ramp-up time and a break in service is unacceptable to the Government.

7. Any other facts supporting the justification.

There are no other facts supporting this justification to be listed.

8. Statement of the actions, if any, the agency may take to remove or overcome any barriers that led to the restricted consideration before any subsequent acquisition for the supplies or services is made.

a. Removal of barriers to competition.

- The NLM Acquisitions Office, CIT, and Program Offices have identified sources that are capable of performing the required work and shall be competing this requirement in the future.

b. Listing of sources, if any, that expressed an interest, in writing, in the acquisition.

None